

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

| | | |
|----------------------------|---|-----------------------|
| IN RE: | * | CHAPTER 13 |
| MICHAEL RODNEY BEEMON, JR. | * | CASE NO. 19-68454-jwc |
| DEBTOR | * | |
| | * | |
| | * | |
| MICHAEL RODNEY BEEMON, JR. | * | |
| MOVANT | * | CONTESTED MATTER |
| VS. | * | |
| | * | |
| CAPITAL ONE AUTO FINANCE | * | |
| RESPONDENT | * | |

OBJECTION TO PROOF OF CLAIM 2-1

COMES NOW, the above- named Debtor in the above-styled case and shows this Court as follows:

1.

The Debtor's Chapter 13 case was filed on November 15, 2019 and confirmation hearing scheduled for March 17, 2020.

2.

Respondent has filed a secured proof of claim in this case in the amount of \$22,097.22 (Claim No. 2-1).

3.

The Chapter 13 Trustee should not fund the proof of claim of Respondent as the 2017 Hyundai Elantra was traded in by the co-signer, prior to the filing of this current case. Debtor believes that satisfied the claim of the Respondent in full.

WHEREFORE, the Debtor\Movant prays for:

(a). An Order disallowing the proof of claim of Respondent filed, and

(b) a hearing to be scheduled for Respondent to show cause why the prayers of
Movant should not be allowed, and

(c) For such other and further relief as the Court may deem just and proper.

Respectfully Submitted,

_____/s/_____
Joseph Chad Brannen
Attorney for Debtor(s)
GA Bar No. 077120
7147 Jonesboro Road, Suite G
Morrow, GA 30260
(770) 474-0847

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CERTIFICATE OF SERVICE

This is to certify that I am over the age of 18 years and that I have this day mailed a true and correct copy of the Objection to Proof of Claim to the following by depositing a copy of the same in a properly addressed envelope with sufficient postage affixed thereon to assure delivery and by placing the same in the United States Mail:

Michael Rodney Beemon, Jr.
702 Georgetown Court
Jonesboro, GA 30236

Nancy J. Whaley
Chapter 13 Trustee
303 Peachtree Center Ave., NE
Suite 120
Atlanta, GA 30303

Capital One Auto Finance
c/o Corporate Service Company – Registered Agent
40 Technology Parkway South
Suite 300
Norcross, GA 30092

Capital One Auto Finance, a division of Capital One, N.A.
c/o Ambrish Patel – Authorized Agent
4515 N Santa Fe Ave. Dept. APS
Oklahoma City, OK 73118

This 5th day of February, 2020

7147 Jonesboro Road, Ste. G
Morrow, GA 30260
(770) 474-0847

/s/
Joseph Chad Brannen
Attorney for Debtor
GA Bar # 077120

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NOTICE OF HEARING

PLEASE TAKE NOTICE that the above Debtor has filed an **OBJECTION TO PROOF OF CLAIM** with the Court.

PLEASE TAKE FURTHER NOTICE THAT THE Court will hold a hearing on the Objection to Proof of Claim in **Courtroom 1203** of the **Richard B. Russell Federal Building, 75 Ted Turner Dr, S.W., Atlanta, Georgia 30303** at **10:00 a.m. on March 10, 2020**.

Your rights may be affected by the court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult with one.) If you do not want the court to grant relief sought in these pleadings or if you want the court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleadings with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and whom (including addresses) you served. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address of the Clerk's Office is Clerk, U.S. Bankruptcy Court, 362 Richard B. Russell Building, 75 Ted Turner Dr. SW., Atlanta, Georgia 30303. You must also mail a copy of your response to the undersigned at the address stated below.

This 5th day of February, 2020

_____/s/_____
Joseph Chad Brannen
Attorney For Debtor
Georgia Bar No. 077120
7147 Jonesboro Road, Suite G
Morrow, GA 30260
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/s/
Joseph Chad Brannen
Attorney for Debtor
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